

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHARLES LANGONE, as FUND MANAGER )  
of the NEW ENGLAND TEAMSTERS AND )  
TRUCKING INDUSTRY PENSION FUND )

Plaintiff, )

v. )

HOME FOOD MARKET, INC., AND PETER )  
S. HILL AS PRESIDENT OF HOME FOOD )  
MARKET, INC., )

Defendant. )

C.A. No. 04CV11526 NG

DECLARATION OF CHARLES LANGONE

Charles Langone, under penalties of perjury, hereby declares as follows:

1. I am the Plaintiff in this action and am employed as the Fund Manager of the New England Teamsters and Trucking Industry Pension Fund ("The Fund").

2. Defendants withdrew from The Fund on January 4, 2004, incurring withdrawal liability in the amount of \$88,036.00.

3. Having failed to make any withdrawal liability payments as demanded and having failed to cure its default after notice, Defendants became liable for the full amount of their withdrawal liability on July 11, 2004.


4. In accordance with 29 U.S.C. §§1451(b), 1145 and 1132(g)(2), the Defendants owe the Fund the following:

- a) withdrawal liability in the amount of \$88,036.00;
- b) interest in the amount of \$1,179.69, accrued from July 11, 2004 at a rate of 4%, determined by the Pension Benefit Guarantee Corporation pursuant to 29 C.F.R. 4219;
- c) An amount equal to the greater of either the interest (\$1,179.69) or liquidated damages of twenty percent (20%) of the principle. Consequently, Plaintiff is entitled to \$17,607.20;
- d) Reasonable attorneys fees and costs in the amount of \$1,470.03.

5. Based on the foregoing, Defendants owe the Fund a total of \$108,292.92.

6. Defendants are neither infants nor incompetent persons and are not engaged in the military service of the United States.

I declare under penalties of perjury that the foregoing is true and correct this 13th day of October 2004.

  
\_\_\_\_\_  
Charles Langone